



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644-3237**

Memorandum

To: Brenda Wisneski, Zoning Administrator
From: Gregg Ramirez, Senior Planner
Date: August 15, 2012
Cc: Makana Nova, Assistant Planner
Re: ZA Public Hearing Agenda Item No. 1
Parkstone Kitchen + Taps (PA2012-082)

The staff report for this item indicated that ZA Attachments 4 and 5 would be provided prior to the hearing. Attached for your review are the following:

1. Attachment No. ZA 4 - Alcohol Related Statistics Memorandum. The information provided does not result in any changes to the draft ZA resolution for approval (Attachment No. ZA 1).
2. Attachment No. ZA 5 - Final Police Department Recommendation. Other than the signatures on page 3, this final memo is identical to the draft included in the staff report.



NEWPORT BEACH POLICE DEPARTMENT

870 Santa Barbara, P.O. Box 7000, Newport Beach, CA 92658-7000

MEMORANDUM

August 14, 2012

TO: Makana Nova, Assistant Planner

FROM: Caroline Staub, Senior Crime Analyst

SUBJECT: Alcohol Related Statistics

At your request, our office has reviewed police services data for the Parkstone establishment at 5180 Birch St. This area encompasses our reporting district (RD) number 34 as well as part of Census Tract 626.10. This report reflects City of Newport Beach crime data for calendar year 2011, which is the most current data available.

Calls for Service Information

City wide there were approximately 65,411 calls for police services during this time, of which 1,758 were in RD 34. A "call for service" is defined as *any citizen contact of the police department which results in the dispatching of a unit or causes the contacted employee to take some sort of action*, such as criminal investigations, alarm responses, traffic accidents, parking problems, animal control calls, etc.

Crime Information

There were 5,751 crimes reported to the Newport Beach Police Department during this period. Of this total, 2,408 were Part One Crimes. Part One crimes are the eight most serious crimes (*Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Auto Theft and Arson*) as defined by the FBI in the Uniform Crime Reports. The remaining 3,343 reports were Part Two crimes. The Part One crime rate for the entire city during this same period was 2,820.46 per 100,000 people. The national Part One crime rate was 3,345.52¹ per 100,000 people.

Crimes	RD 34	Newport Beach ²	California ¹	National ¹
Part 1	112	2,408	1,146,072	10,329,135
Part 2	133	3,343	N/A	N/A
Crime Rate	4,984.42	2,820.46	3,076.38	3345.52

This reporting district had a total of 245 reported crimes as compared to a city-wide reporting district average of 152 reported crimes. This reporting district is **93 crimes over** or **61% above** the city-wide reporting district average.

¹ Figures based on the 2010 Uniform Crime Reports, which is the most recent edition.

² The Newport Beach population figure used for calculations is 85,376, as estimated by the CA Department of Finance.

ABC License Information

The number of active ABC licenses in this RD is 27, which equals a per capita ratio of one license for every 84 residents. This location is within an RD that is over the Orange County per capita average of ABC licenses.³

Arrest Information

In 2011, there were 40 DUI and/or Drunkenness arrests in RD 34 and 1,304 DUI and/or Drunkenness arrests for the entire city. This RD amounts to 4.87% of the DUI/Drunk arrests made in the entire City. According to a recent national study by the Department of Justice, more than 36% of adult offenders convicted of crimes in 2009 had been drinking at the time of their arrest.

Arrests	RD 34	Newport Beach	California ¹	National ¹
DUI and/or Drunk	40	1,304	4,663	1,972,941
Total Arrests	122	3,198	1,357,573	13,120,947

Additional Information

The Alcoholic Beverage Outlets ordinance states that the Planning Commission shall consider the crime rate in the adjacent reporting districts. The adjacent reporting districts requested are RD 31 and RD 33.

Measure	RD 31	RD 33
Part 1 Crimes	54	108
Part 2 Crimes	29	65
Crime Rate	2,403.20	4,806.41
DUI and/or Drunk Arrests	3	17
Total Arrests	32	50
Calls For Service	664	776
Active ABC Licenses	1	6
Per capita license ratio	2,247	375

If you are in need of any further assistance, please feel free to contact me.

Sincerely,

Caroline Staub
Senior Crime Analyst
Newport Beach Police Department
(949) 644-3791
cstaub@nbpd.org

³ The number of active ABC licenses is the total of all types of licenses known to the police department as of the date of this document. As of June 30, 2011 the Orange County average of active, retail ABC licenses was one license for every 518 residents. (5,839 licenses and a population of 3,018,963)

**City of Newport Beach
Police Department**

M e m o r a n d u m

August 7, 2012

TO: Makana Nova, Assistant Planner

FROM: Detective Brian Haas

SUBJECT: Parkstone Kitchen & Taps, 5180 Birch Street, Newport Beach
UP2012-014 (PA2012-082).

At your request, the Police Department has reviewed the project application for *Parkstone Kitchen & Taps*, to be located at 5180 Birch Street, Newport Beach. The applicant is seeking a minor use permit to allow a Type 47 (On Sale General-Eating Place) ABC license for a food service eating and drinking establishment with no late hours. The project includes an outdoor dining patio that was previously approved under Use Permit No. UP635. The establishment will provide a maximum of 74 interior seats and 12 seats on the patio. The proposed hours of operation are 6:00 a.m. to 11:00 p.m., daily.

The applicant will apply for a Type 47 (On Sale General – Eating Place) license with the Department of Alcoholic Beverage Control. The license will be conditioned appropriately to protect the health, safety and welfare of the community.

Applicant History

The applicant, J.D. Gantes, currently operates other eating and drinking establishments such as Ruby's Diner. Gantes wishes to turn an existing Burger King fast food restaurant into the "Parkstone Kitchen & Taps", which will be an upscale eating and drinking establishment that will appeal to the business lunch crowd.

Recommendations

The Police Department has no objection to the operation as described by the applicant.

Signs and Displays

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Hours of Operation

The proposed hours of operation are 6:00 a.m. to 11:00 p.m., daily.

Security

The Police Department has no recommendations.

Employee Training

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

Additional Comments

For the purposes of this application, staff may also want to consider establishing conditions that would require a special event permit. A special event permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation. For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit Parkstone Kitchen & Taps to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Full menu food service shall be available for ordering at all times that the restaurant establishment is open for business.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Food from the full service menu must be made available during any "happy hour" type of reduced price alcoholic beverage promotion. There shall be no reduced price alcoholic beverage promotion after 9 p.m.
5. VIP passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order or sale of drinks is prohibited.
6. The use of private (enclosed) "VIP" rooms or any other temporary or permanent enclosures separate from public areas are prohibited.

7. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
8. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
9. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
10. There shall be no live entertainment allowed on the premises.
11. There shall be no dancing allowed on the premises.
12. Strict adherence to maximum occupancy limits is required.
13. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective Brian Haas at (949) 644-3709.


Brian Haas, Vice/ABC
Detective Division


Dale Johnson, Captain
Detective Division Commander